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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,417

09/05/2003

Gabor Vamberi

RU-144US

7564

24314

7590

10/18/2005

JANSSON, SHUPE & MUNGER & ANTARAMIAN, LTD  
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RACINE, WI 53403

EXAMINER

WARD, JOHN A

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/656,417	Applicant(s) VAMBERI, GABOR	
	Examiner John A. Ward	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>112003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

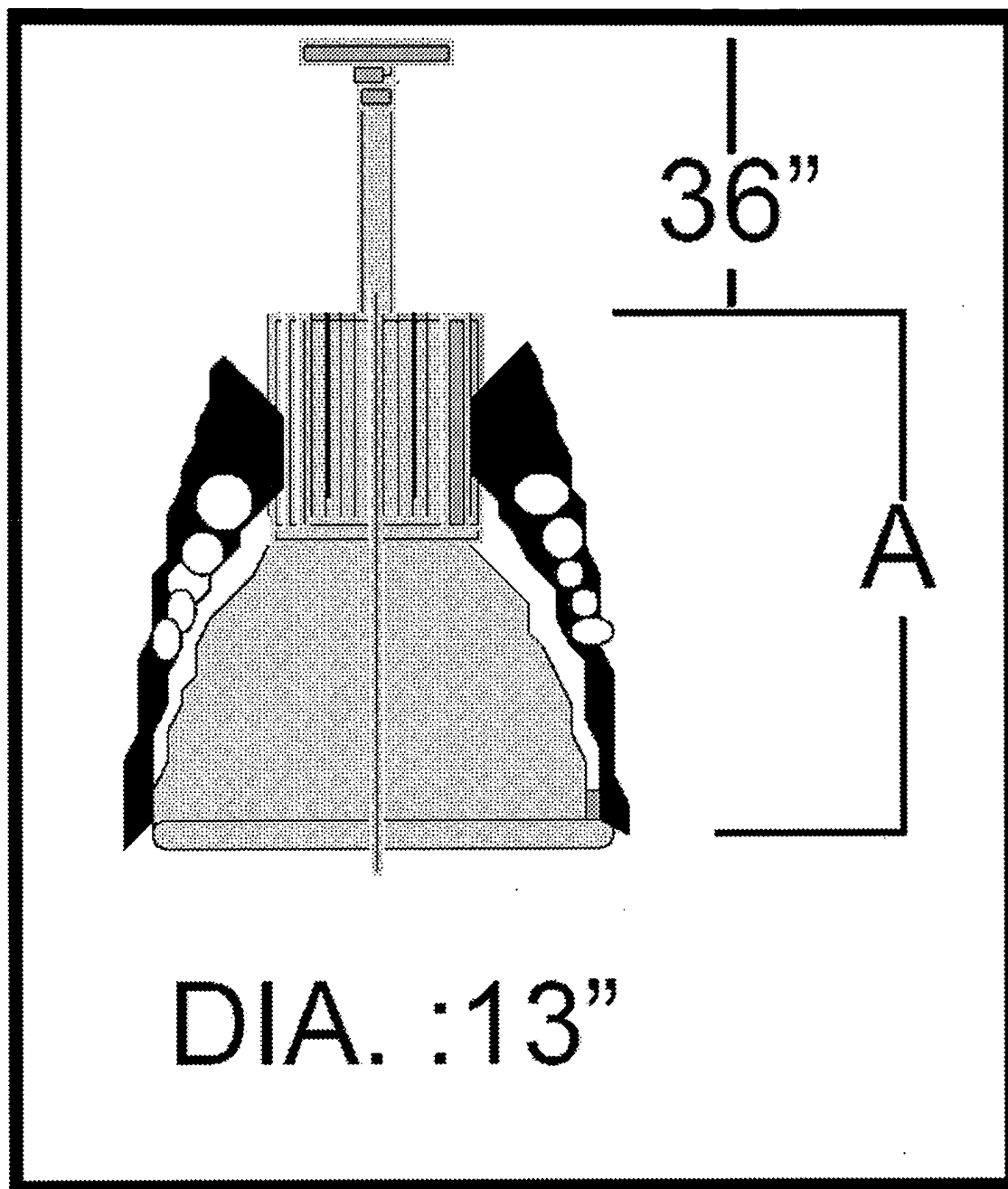
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, 15, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutrex Products brochure (CC 2000).

Regarding claims 1-13, 15 and 17-22, Lutrex Products disclose on page 1 and 3 a housing as shown bellow having a plurality of fins, placed around the sidewalls of the housing and the fins having indicia, slots that holds the fins and the fins are radially symmetrical about a central axis. The brochure further discloses that a power related components including electronic ballast, the fins are painted to different colors and the brochure teaches that the blades are decorative.



Claims 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutrex Products (CC 2000).

Regarding claims 23-26, Lutrex Products disclose on page 1 and 3 a housing as shown bellow having a plurality of fins, placed around the sidewalls of the housing and the fins having indicia, slots that holds the fins and the fins are radially symmetrical about a central axis. The brochure further discloses that a power related components including electronic ballast, the fins are painted to different colors and the brochure teaches that the blades are decorative. It is inherent that a method for fabricating a light fixture is taught by Lutrex since each and every limitation is met by the prior art.

Claims 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutrex Products (CC 2000).

Regarding claims 27-30, Lutrex Products disclose on page 1 and 3 a housing as shown bellow having a plurality of fins, placed around the sidewalls of the housing and the fins having indicia, slots that holds the fins and the fins are radially symmetrical about a central axis. The brochure further discloses that a power related components including electronic ballast, the fins are painted to different colors and the brochure teaches that the blades are decorative. It is inherent that a method for fabricating a light fixture is taught by Lutrex since each and every limitation is met by the prior art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutrex as applied to claim 13 above, and further in view of Blandford (US 6,720,566).

Regarding claims 14 and 16, Lutrex discloses all the limitations of the claimed invention as cited in claim 13, above, but does not disclose a setscrew between the channels and at least on the flanges engaged by the channel and firmly secured by screw.

Regarding claim 14, Blandford (' 566) disclose a shutter for use with a light source having a plurality of fins 22 attached to a housing 20 and set screws 45 that hold the fins to the housing.

Regarding claims 16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a plurality of light emitting diodes, since known that light emitting diodes provide illumination that can operate at lower

current over that of incandescent or fluorescent lamps and maintain a lower operating temperature.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the fins of Lutrex with the fins of Blandford in order to provide a means of removably securing the fins to the housing as taught by Blandford (abstract).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-30 are have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW  
October 12, 2005



JOHN ANTHONY WARD  
PRIMARY EXAMINER